

Motion for Temporary Restraining Order and Preliminary Injunction

Gilbert L. Mobley
Plaintiff



VS

Case # 6:22-CV-03007-MDH

Greene County Highway Department
Emery Sapp & Sons
Defendants

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

COMES NOW Plaintiff Gilbert Louis Mobley representing myself for a motion for Temporary Restraining Order against Defendants Greene County Highway Department and Emery Sapp & Sons, Inc. and avers to the court as follows:

1. In December 2021 the Greene County Highway Department (GCHD) awarded a \$16 million dollar contract to Emery Sapp & Sons, LLC for the completion of the Kansas Expressway extension in south Springfield, Mo. It's Federal money.
2. Defendants have failed in their duty to uphold the requirements of a Geotechnical Study done over the past decade by Palmerton & Parrish Engineering Firm (PPI) on this project requiring Federal oversight. (Federal Project #STP-5909 (802).
3. Defendant GCHD had been unaware of specific geological karst features at the time of the final acceptance of the highway's path that pose the likelihood of ground water contamination and surface/roadway collapse causing catastrophic disasters and unimaginable cost overruns. (Tape recording verifies this.)
4. Defendant GCHD has failed to comply with the strong admonishments in their PPI Geotechnical Engineering Report for further investigations of the highways proposed path should it be altered. The roadway was altered westward to avoid a active sinkhole (KE-16) but at the expense of being moved upon another cave opening and brand new open collapse 550 feet to the south (KE-19)
5. Defendant GCHD did not seek to get the required geotechnical studies or reports on affected areas private property immediately adjacent to the terminal south portions of the highway that has a huge open collapse from a half century ago. The one hundred feet long crater that is up to 18 feet deep is a toxic dump dating for over 50 years. This gigantic open collapse is known as the Kreider Collapse, expanding since the 1940's. It represents one of many area domes in the River Bluff Cave Network that have collapsed

in the area. The crescent shaped crater is less than 50 feet from the right of way and immediately uphill, yet it remains uninvestigated. *

"At a minimum, locations of all features were confirmed in the field via site reconnaissance during field drilling activities by a PPI staff geologist or engineer. A Geotechnical Engineering Report Burns & McDonnell Engineering Co. Inc. – Kansas Expressway Extension West Republic Road to Farm Road 190 – Greene County, Missouri November 28, 2018 Page 11 PPI Project No. 229804 total of six (6) features were determined to be outside of the planned right of way and are anticipated to have limited, if any, potential impact on the project, thus no additional investigation was performed. These features are labeled in the notes column on the summary table as being outside of the right away requiring no further action and include features KE4, KE6, KE15, KE17, KE18 and KE20."

They are not bothering to look or climb down into the adjacent toxic dump / gigantic Kreider Collapse! (It's on City/County Park Property is why.)

6. The GCHD did not propose alternative roadway as suggested to avoid KE16 & KE19 such as a divided highway with a large median in the terminal portions of the road so as to allow a 30 feet margin to sink holes as required by Greene County to accommodate these two huge karst features.... interestingly onto the unstudied deep gigantic toxic dump crater mentioned above and just yards from the Kansas extension right of way below.

7. The GCHD was unaware of any caves in the path of the extension immediately south of Plainview Road after the alignment was shifted west and approved. A transcribed taped round table meeting at the GCHD headquarters will prove that they had not read or familiar with these karst features in their Environmental Impact Study that had even been highlighted with front page coverage in the Springfield News Leader.

8. Upon a site visit to Ward Cave 2 (KE), inside the cave, Bob Dixon the county commissioner and the county's geologist both admitted to me in person and with a witness, that neither of them had been aware of the highways shift westward onto the cave.

9. Matt Forir the county's geologist has admitted and a transcription if the taped recording will validate his confirming that not only he explored and mapped Ward Cave Two, (KE21) but that is a part of a cave network running all along these ridges where the road is going.

Mr. Forir also said on tape that he postulated the presence of a preserved ice age cave based on the topography, years before River Bluff cave was discovered.

Mr. Forir is on tape stating he needed the highway so he could put up advertising signs like "See Rock City" along the new highway to increase visitors to the River Bluff museum he runs otherwise it isn't self-sustaining.

10. GCHD did not notify PPI of further studies required once the highway's alignment was shifted west. "Mapping the cave was beyond the scope of work for this project." This report predated the shift and the entire cave is now in the right-of-way.

10. YouTube videos include references made by River Bluff cave guides to several other entrances to the ice age cave located along the road's alignment.

11. The Geotechnical Report requires full or part time on-site supervision by a qualified geotechnical engineer as many of the karst features in the roadway. "Several existing karst features are anticipated to require additional design considerations or stabilization prior to or during roadway construction."

12. The Geotechnical Report issues dire warnings of catastrophic highway collapse and significant cost overruns should their suggestions not be heeded. As seen above, further investigation is absent.

13. The Superintendent for the whole Kansas Expressway Extension Project, Mr. Levi Jackson for ESS remains unaware of any karst features along the roads extension and throughout last week had not seen or heard of any Geotechnical report except from me. He is unaware of any geotechnical engineer or the requirement for one.

14. The incomplete and disregarded investigatory, reporting and mitigating components of geotechnical planning is an egregious lack of due diligence by the defendants is a violation of public trust and Federal Highway provisions for the money granted and poses a personal health threat to me resultant to un-studied and unknown karst features posing immediate contamination of my tap well water and to the public at large from catastrophic collapse as well as sky-high cost overruns predicted.

15. The Storm Water Engineer for Greene County WasteWater, Tyler Goodwin that signed off on this project just told me today that he only looked at the plan sheets and is not aware or recall his ever seeing the Geotechnical PPI report. "It's been a while. I can't remember."

16. Permits to begin construction were granted and posted last week, January 6, 2021. Heavy equipment and a work station parking lot is moving in as this is presented. They are in yards of open collapses KE13 & KE14. The superintendent and the bulldozer driver were clueless of their presence last week.

WHEREFORE, Plaintiff prays this court issue an EMERGENCY AND IMMEDIATE temporary restraining order and a preliminary injunction that prohibits Defendants, their officers, employees, or agents, and those acting on their behalf or in concert with them from investigating any complaint, or otherwise taking any action—investigative, prosecutorial, or judicial—regarding a claim against any individual that acts without being compensated as outlined in the complaint.

Tape recordings referenced above were stored for safe keeping with the Greene County clerk of court, Sherry Schaeffer, in 2019.
Case 0:22-cv-03007-MDH Document 3 Filed 01/10/22 Page 3 of 4
GTH

Gilbert L. Mobley


Gilbert L Mobley

5110 S Woodfield Place

Springfield, MO

65810

cell: 417-848-6100

desk line: 417-883-3475

01/10/2022
2:30 pm